THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.18146 of 1998

Date: 28.2.2007

Between:
T. Mangamma,W/o.T.R. Babu Rao,
13-64, Srinivasapuram, Tiruchanur Road,
Tirupati-517503 and others.

..... PETITIONERS

AND

Tirupati Urban Development Authority,
Tirupati represented by its Vice Chairman and others.

.. RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.18146 of 1998

ORDER:

Petitioner filed the present writ petition with the following prayer:

"For the reasons stated in the accompanying affidavit, the petitioners pray that this Hon'ble Court may be pleased to issue a writ, direction or order preferably in the nature of Certiorari calling for the records relating to the proceedings issued by the 5th respondent viz., the District Collector, Chittoor in Rc. No. D10/6266/97, dated 13.2.1998 published in A.P. State Gazette No. CTR 77/97, dated 18.2.1998 published in Eenadu newspaper, Tirupati edition dated 3.3.1998 in respect of the properties of the petitioners situate in Survey Nos. 240/1B, 229/IA, 241/5B, 242/2, 240/1B, 240/3B and 240/2B situated in the village accounts of Tiruchanur village and the houses within formerly Tiruchanur Gram Panchayat and now within Padmavathipuram Gram Panchayat and quash the same declaring the impugned notification is inconsistent with the earlier notification made under Section 4 in Form 2-A of the Land Acquisition Act issued by the 5th respondent in RC. No D10/3666/97, dated 20.3.1997 published in Eenadu newspaper dated 3.5.1997 and also being violative of Arts. 14, 300-A and 21 of the Constitution; and also being violative of the principles of promissory estoppel and also being violative of Sec.8, sub-clauses 2,3,4 and 5 of A.P. Urban Areas Development Act,1975 and also being

violative of Doctrine of Legitimate expectation and principles of natural justice; and forbid the respondents from proceeding in pursuance of the impugned notification made by the 5th respondent dated 13.2.1998."

This Court on 15.7.1998 passed interim order in W.P.M.P. No. 21640 of 1998 suspending the impugned proceedings. Subsequently, the respondents filed W.V.M.P. No. 455 of 1999 seeking vacation of the said interim order. Having heard the learned counsel for both the parties, this Court vacated the said interim order on 3.3.1999.

In fact, this Court instead of vacating the said interim order ought to have dismissed the writ petition. But, however, after the vacation of the said interim order, the writ petition is listed before me for final adjudication.

In view of the fact that this Court has given cogent reasons for vacating the said interim order, the writ petition is mis-conceived and the same is accordingly dismissed. No costs.

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(GOPALA KRISHNA TAMADA, J)

28-02-2007

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